

*REMARKS*

Claim 1 has been amended to insert the term “only” with respect to the most recently accessed version of the dictionary. Support for this amendment can be found at page 16, line 15 of the application as filed.

Claim 14 has been amended to change “means for filtering” to “means for sorting.” Support for this change can be found at, for example, page 20 of the specification.

New claim 40 has been added to depend from claim 14 and to claim the means for filtering feature.

It is submitted that these amendments do not constitute new matter, and their entry is requested.

**Rejection Under 35 USC § 112, first paragraph**

The Examiner has rejected claims 16-18 and 37 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner contends that the specification and claims as filed do not disclose that the first network is faster than the second network, and this is not supported by the written description. Applicants submit that the Examiner is in error in this rejection.

The Examiner objects that claim 16 now states that the first network is faster than the second one, whereas the originally filed claim disclosed that one network is faster than the other one. However, the original claim did not include any feature that distinguished the first network from the second, other than requiring them to be different; in other words, ‘first and second’ were arbitrary labels conferring no limitation. It therefore does not add any subject matter to state that the first network is the faster one. Furthermore, one network being faster than the other network provides only two possibilities. Either the first network is faster or the second network is faster. Applicants were clearly in possession of both of these possibilities as shown by the language that one was faster.

In view of the above remarks, Applicants submit that the subject matter of claims 16-18 and 37 is fully described by the specification. Withdrawal of this rejection is requested.

#### **Rejection Under 35 USC § 102(e)**

The Examiner has rejected claims 9-11 and 26 under 35 U.S.C. § 102(e), as being anticipated by Eyer et al. (US 6,160,545). The Examiner contends that Eyer et al. discloses all of the elements of claims 9-11 and 26. Applicant submits that the Examiner is in error in this rejection.

The Examiner appears to identify the 'preferred source' data bit of Eyer (col. 7, lines 31 to 40), as the 'channel subset identity' in claim 9; this is a departure from the Examiner's previous arguments. However, Eyer does not disclose that the receiver stores a channel subset identity that is compared to the 'preferred source' data bit. Instead, the IRD uses the 'preferred source' data bit to resolve clashes between duplicative channels, by selecting the channel indicated as the preferred source. If there is no clash, then the IRD will not pay attention to the 'preferred source' data bit. In other words, Eyer does not store the value '1' as a channel subset identity and decide whether to output a channel based on whether the preferred source data bit is '1'. Thus, Applicants submit that the wording of claim 9 does not read on to Eyer.

In view of the above remarks, Applicants submit that the subject matter of claims 9-11 and 26 is not anticipated by Eyer et al. Withdrawal of this rejection is requested.

#### **Rejection Under 35 USC § 102(e)**

The Examiner has rejected claims 14 and 15 under 35 U.S.C. § 102(e), as being anticipated by Yuen et al. (US 6,028,599). The Examiner contends that Yuen et al. discloses all of the elements of claims 14-15. Applicant submits that the Examiner is in error in this rejection.

Claim 14 requires that a receiver receives signals including sorting data defining a sorted list, and then display a programme schedule in an order depending on the sorted list. Yuen discloses a database that is constructed at the receiver, based on received schedule data (col. 1, lines 33 to 38). There is no disclosure in Yuen of receiving a sorted list. The passages referred to by the Examiner

all relate to the structure of the database as constructed by the receiver, without the use of any received sorted list. Thus, Applicants submit that Yuen et al. does not read on claim 14.

In view of the amendments and above remarks, Applicants submit that the subject matter of claims 14 and 15 is not anticipated by Yuen et al. Withdrawal of this rejection is requested.

#### **Rejection Under 35 USC § 103(a)**

The Examiner has rejected claims 1-3, 5-8, 22, 38 and 39 under 35 U.S.C. § 103(a), as being obvious over Ellis et al. (US 5,548,338) in view of Keith et al. (US 5,991,451). The Examiner contends that it would have been obvious to one of ordinary skill in the art to modify Ellis to include means for receiving data defining two versions of a dictionary, means for determining which version of dictionary for corresponding data is stored or Huffman table with corresponding data are stored, and means for storing the most recently accessed version of the dictionary using a table number as taught by Keith in order to allow the encoder to swap code and allow the decoder to accurately decode the encoded data and to update the tables for efficiency as disclosed by Keith.

Claim 1 has been amended to insert the word 'only' before 'the most recently accessed version', as supported by page 16, line 15 of the published PCT application. Keith discloses that multiple codes are stored simultaneously, to enable code swapping. Hence, Keith teaches away from using two versions, but storing only the most recently used version.

In view of the above amendments and remarks, Applicants submit that the subject matter of claims 1-3, 5-8, 22, 38 and 39 are not rendered obvious by Ellis et al. in view of Keith et al. Withdrawal of this rejection is requested.

#### **Rejection Under 35 USC § 103(a)**

The Examiner has rejected claims 4 and 23- 25 under 35 U.S.C. § 103(a), as being obvious over Ellis et al. in view of Keith et al. and further in view of Terasawa et al. (US 6,147,714). The Examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the text portions comprise a short event

name as taught by Terasawa in order to provide a succinct title to the user for easy selection as is well known in the art. Applicant submits that the Examiner is in error in this rejection.

As detailed above, Ellis et al. and Keith et al. do not render obvious the claimed subject matter of the claims from which claims 4 and 23-25 depend. Terasawa et al. does not cure the deficiencies of Ellis et al. and Keith et al. Thus, the combination of Ellis et al., Keith et al. and Terasawa et al. does not render the claimed invention obvious.

In view of the above amendments and remarks, Applicants submit that the subject matter of claims 4 and 23-25 are not rendered obvious by Ellis et al. in view of Keith et al. and further in view of Terasawa et al. Withdrawal of this rejection is requested.

#### **Rejection Under 35 USC § 103(a)**

The Examiner has rejected claims 12, 27-29 under 35 U.S.C. § 103(a), as being obvious over Eyer et al. in view of Klosterman (US 6,072,983). The Examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eyer to include an order number for receiving program schedule information which is sorted in a predetermined order such that the program schedule is mixed, sorted, organized in a format as taught by Klosterman so that the program schedule is ready for immediate display and saves time as disclosed by Klosterman. Applicant submits that the Examiner is in error in this rejection.

As detailed above, Eyer does not disclose that the receiver stores a channel subset identity that is compared to the 'preferred source' data bit. Instead, the IRD uses the 'preferred source' data bit to resolve clashes between duplicative channels, by selecting the channel indicated as the preferred source. If there is no clash, then the IRD will not pay attention to the 'preferred source' data bit. In other words, Eyer does not store the value '1' as a channel subset identity and decide whether to output a channel based on whether the preferred source data bit is '1'. The wording of claim 9 does not read on to Eyer. Klosterman does not cure the deficiency of Eyer et al. Thus, the combination of Eyer et al. and Klosterman does not render the claimed invention obvious.

In view of the above amendments and remarks, Applicants submit that the subject matter of claims 12 and 27-29 are not rendered obvious by Eyer et al. in view of Klosterman. Withdrawal of this rejection is requested.

**Rejection Under 35 USC § 103(a)**

The Examiner has rejected claims 13, 30, 31 and 33 under 35 U.S.C. § 103(a), as being obvious over Eyer et al. in view of Coleman et al. (US 5,844,620). The Examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eyer to include that each channel has associated with it one or more indicators such as closed captions, theme categories and rating/parental rating, the receiver comprising means responsive to the indicator for controlling display of program as parental controls on the program or to display closed captioning as taught by Coleman in order to allow a user to obtain information relating to the provision of services over a network as disclosed by Coleman. Applicant submits that the Examiner is in error in this rejection.

As detailed above, Eyer does not disclose that the receiver stores a channel subset identity that is compared to the 'preferred source' data bit. Instead, the IRD uses the 'preferred source' data bit to resolve clashes between duplicative channels, by selecting the channel indicated as the preferred source. If there is no clash, then the IRD will not pay attention to the 'preferred source' data bit. In other words, Eyer does not store the value '1' as a channel subset identity and decide whether to output a channel based on whether the preferred source data bit is '1'. The wording of claim 9 does not read on to Eyer. Coleman et al. does not cure the deficiency of Eyer et al. Thus, the combination of Eyer et al. and Coleman et al. does not render the claimed invention obvious.

In view of the above amendments and remarks, Applicants submit that the subject matter of claims 13, 30, 31 and 33 are not rendered obvious by Eyer et al. in view of Coleman et al. Withdrawal of this rejection is requested.

**Rejection Under 35 USC § 103(a)**

The Examiner has rejected claims 16-18 and 37 under 35 U.S.C. § 103(a), as being obvious over Usui et al. (US 5,808,694) in view of Yuen (WO 97/47136) and Eyer et al. The Examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Usui to include the program schedule data broadcast over the first network at a faster rate than in the second network as taught by Yuen in order to send high speed data for the 150 or more channels to the user without a longer wait which is inconvenient to the user. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify means for receiving and decoding additional program schedule data from the signals for the network as taught by Eyer in order to provide cost and bandwidth benefits for the receiver and memory management as disclosed by Eyer. Applicant submits that the Examiner is in error in this rejection.

In response to the previous Office Action, Applicants argued that Eyer failed to disclose features of claim 16 missing from the then cited Hoffmann reference, particularly that programme schedule data is transmitted over both the first and second networks. Instead, Eyer states clearly that IPG data is transmitted only over the satellite network, see Fig. 1 and col. 5, lines 37-44. The Examiner's response (on page 4 of the current Office Action) refers to col. 5, lines 62-67 and col. 8, lines 25-28, but these passages merely confirm Applicants' argument that the IPG data for both satellite and CATV is sent only via satellite. The other references by the Examiner, at col. 13, lines 58-67 and col. 15, lines 32-38, recite details of the broadcast data content which are of no relevance to Applicants' argument. Thus, Applicants submit that Eyer et al. does not add any of Applicants' specifically disclosed features to Usui et al. and Yuen and thus does not make the claimed subject matter obvious.

In view of the above amendments and remarks, Applicants submit that the subject matter of claims 16-18 and 37 are not rendered obvious by Usui et al. in view of Yuen and Eyer et al. Withdrawal of this rejection is requested.

### **Rejection Under 35 USC § 103(a)**

The Examiner has rejected claims 32 and 34-36 under 35 U.S.C. § 103(a), as being unpatentable over Eyer et al. in view of Klosterman, and further in view of Coleman et al. The Examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eyer in view of Klosterman to include that each channel has associated with it one or more indicators such as closed captions theme categories and rating/parental rating, the receiver comprising means responsive to the indicator for controlling display of program as parental controls on the program or to display closed captioning as taught by Coleman in order to allow a user to obtain information relating to the provision of services over a network as disclosed by Coleman.

As detailed above, Eyer does not disclose that the receiver stores a channel subset identity that is compared to the 'preferred source' data bit. Instead, the IRD uses the 'preferred source' data bit to resolve clashes between duplicative channels, by selecting the channel indicated as the preferred source. If there is no clash, then the IRD will not pay attention to the 'preferred source' data bit. In other words, Eyer does not store the value '1' as a channel subset identity and decide whether to output a channel based on whether the preferred source data bit is '1'. The wording of claim 9 does not read on to Eyer. Klosterman and Coleman et al. do not cure the deficiency of Eyer et al. Thus, the combination of Eyer et al. and Klosterman and Coleman et al. does not render the claimed invention obvious.

In view of the above amendments and remarks, Applicants submit that the subject matter of claims 32 and 34-36 are not rendered obvious by Eyer et al. in view of Klosterman and further in view of Coleman et al. Withdrawal of this rejection is requested.

### **Conclusions**

In view of the above amendments and remarks, it is believed that the claims satisfy the requirements of the patent statutes and are patentable over the prior art. Reconsideration of the

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instant application and early notice of allowance are requested. The Examiner is invited to telephone the undersigned if it is deemed to expedite allowance of the application.

Respectfully submitted,  
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